
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH CENTRAL DIVISION

MICHAEL C. SUSSMAN,

Plaintiff,

v.

TRADER JOE'S COMPANY,

Defendant.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 2:16-cv-1096-CW-DBP

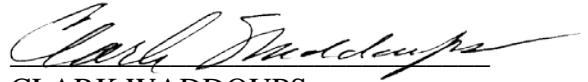
Judge Clark Waddoups
Magistrate Judge Dustin B. Pead

This case was assigned to United States District Court Judge Clark Waddoups, who then referred it to United States Magistrate Judge Dustin B. Pead under 28 U.S.C. § 636(b)(1)(B). On July 7, 2017, Judge Pead issued a Report and Recommendation recommending that the case be dismissed for failure to state a viable claim. (Dkt. No. 12.) As Judge Pead notes, any § 1983 claims Michael Sussman pleads necessarily fail because Mr. Sussman has not alleged that Defendant Trader Joe's could be considered a state actor in these circumstances. (*Id.* at 2.) Mr. Sussman's claims under the Civil Rights Act, Americans with Disabilities Act, and Utah Administrative Code also fail because the Complaint lacks factual allegations supporting such claims. (*Id.* at 3-4.)

Mr. Sussman has not filed objections to the Report and Recommendation, and the time to do so has expired. Therefore, the court **ADOPTS** the Report and Recommendation as the findings and conclusions of the court, (Dkt. No. 12), with the following modification: The court does not see any basis by which Mr. Sussman can assert a cause of action, or basis to believe that, if allowed leave to amend, an amended complaint could state a cause of action. Therefore, the court **GRANTS** Trader Joe's Motion to Dismiss, (Dkt. No. 6), and **DISMISSES** this case with prejudice. This case is closed.

SO ORDERED this 6th day of September, 2017.

BY THE COURT:

A handwritten signature in cursive script, reading "Clark Waddoups", written over a horizontal line.

CLARK WADDOUPS
United States District Judge